

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

:

**CRIMINAL
ACTION
NO. 04-355-02**

v.

:
:
:
:
:

EDWARD M. GILLIARD

**CIVIL ACTION
NO. 09-2401**

ORDER

AND NOW, this 20th day of November, 2009, upon consideration of petitioner's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 (Document No. 143, filed May 26, 2009); Government's Response to Defendant's Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 (Document No. 149, filed July 22, 2009); Petitioner's Response to Government's Opposition to Gilliard's Motion to Vacate, Set Aside, or Correct Sentence Pursuant to Title 28, United States Code, Section 2255 (Document No. 150, filed August 4, 2009); and the Hearing on petitioner's first two ineffective assistance of counsel claims held on September 29, 2009, **IT IS ORDERED** that, for the reasons stated in the Memorandum of November 20th, 2009, petitioner's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 is **DENIED**.

IT IS FURTHERED ORDERED that a certificate of appealability will not issue on the ground that petitioner has not made a substantial showing of a denial of a constitutional right as required under 28 U.S.C. § 2253(c)(2).

BY THE COURT:

/s/ Hon. Jan E. DuBois

JAN E. DUBOIS, J.